



Nov 7 9 08 AM '89

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
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ZBA 89-61

Petition of Paulette and Joseph Grimaldi
42 Thackeray Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 26, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, on the petition of PAULETTE AND JOSEPH GRIMALDI requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 20 feet by 20 feet with less than the required left side yard setback and a bay window approximately 6 feet by 2.2 feet in the proposed addition with less than the required left side yard setback at their non-conforming dwelling at 42 THACKERAY ROAD, in a Single Residence District.

On October 10, 1989, the petitioners requested a hearing before this Authority and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing were Joseph and Paulette Grimaldi. Mr. Grimaldi said that they would like to add a family room directly behind the garage. Currently, the bedroom above the garage is used as a family room. However, Mrs. Grimaldi's parents will be living with them in the future and this family room will be turned into a bedroom for them. They would like to replace the family room. The addition is in line with the existing garage, and actually is 6 inches less of an encroachment than the garage. The abutting neighbor has reviewed the plans and has no objections.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 42 Thackeray Road, in a Single Residence District, on a 22,000 square foot lot with a minimum left side yard clearance of 13.01 feet.

The petitioners are requesting a variance to construct a one-story addition approximately 20 feet by 20 feet with a minimum left side yard clearance of 14.05 feet at the house line and 15.1 feet at the rear corner. They are also requesting a variance to install a bay window approximately 6 feet by 2.2 feet in the proposed addition, said window to have a minimum left side yard clearance of 13.0 feet.

A Plot Plan, dated September 21, 1989, drawn by George Giunta, Registered Land Surveyor; Construction drawings and elevations (S1-5), dated October 2, 1989, drawn by RAS Industries; and photographs were submitted.

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The Planning Board, on October 16, 1989, voted to oppose the granting of the variance based on the belief that a similar addition could be built in compliance with the setback requirements.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition conforms to the present line of the house and does not alter the relationship of the house to the left side lot line. The proposed bay window, although protruding from the addition, does not encroach further on the left side lot line than the front corner of the existing garage.

It is the further opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

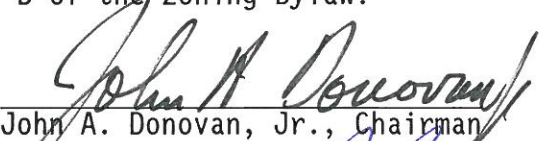
Therefore, the requested variance is granted to construct a one-story addition with a bay window at 42 Thackeray Road, subject to construction in accordance with the Plot Plan and construction drawings as submitted and detailed in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

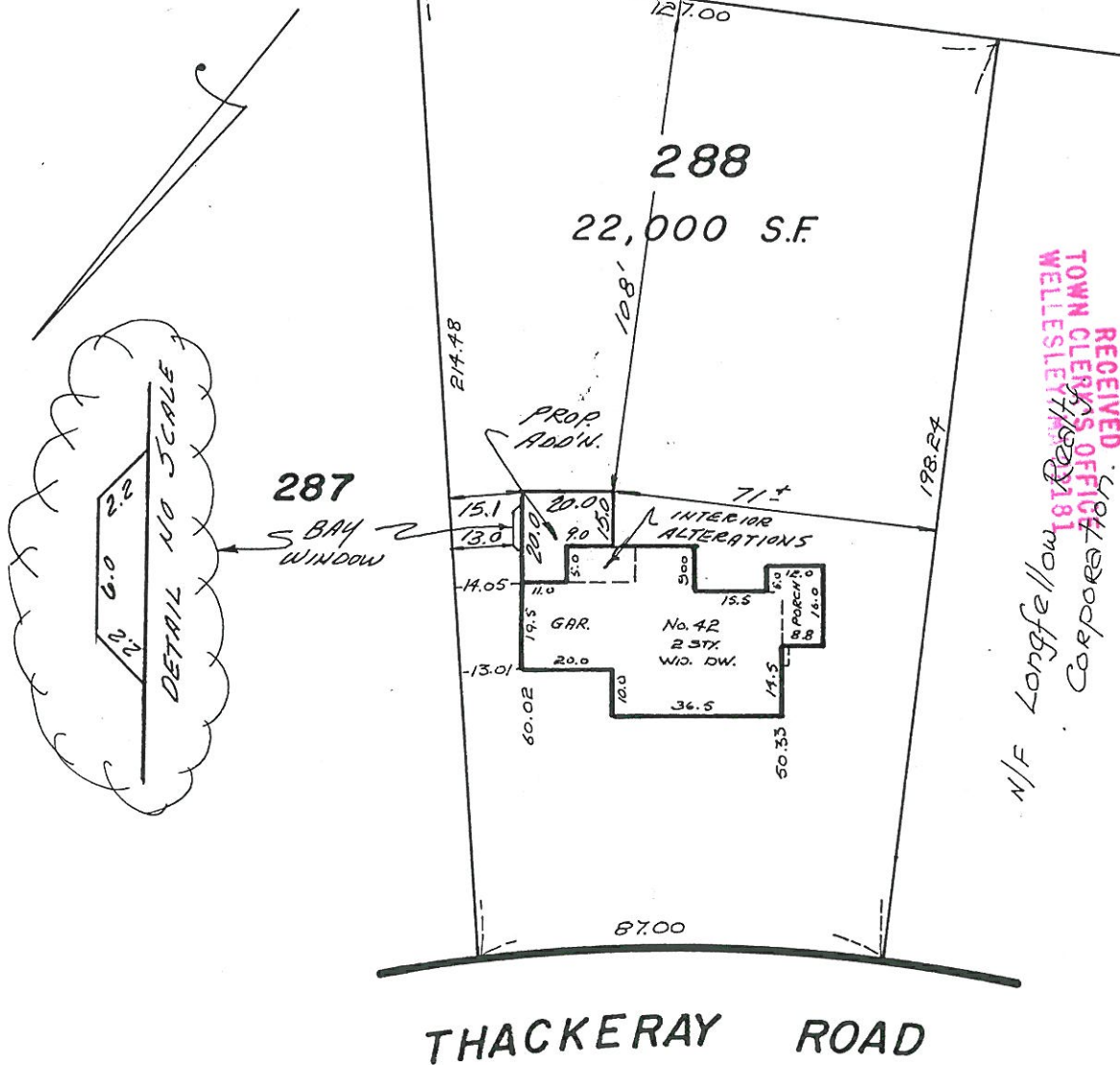
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

N/F Town of Wellesley



OCT 10 1 27 PM '89

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WELLESLEY, MASS.

N/F Longfellow Realty
Corporation

PLAN OF LAND IN WELLESLEY MASS.

SEPT. 21, 1989 SCALE 1"=40'
GEORGE N. GIUNTA R.L.S.
76 NEHOLDEN ST.
NEEDHAM. MASS.

